

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

HOMELAND INSURANCE COMPANY OF  
NEW YORK,

Plaintiff,

v.

CLINICAL PATHOLOGY  
LABORATORIES, INC., AND SONIC  
HEALTHCARE USA, INC.,

Defendants.

CIVIL ACTION NO.: 1-20-cv-783

**DECLARATION OF GREG VAN HOUTEN IN SUPPORT OF  
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

1. My name is Greg Van Houten. I am over the age of 21, am of sound mind, have never been convicted of a felony and am fully capable of making this declaration. All of the statements in this declaration are based on my personal knowledge. The statements contained herein are true and correct.

2. I am an Associate with the law firm of Haynes & Boone, LLP, attorneys of record for Defendants Clinical Pathology Laboratories, Inc. ("CPL") and Sonic Healthcare USA, Inc. ("SHUSA," together with CPL, the "Defendants").

3. I am admitted *pro hac vice* for this case.

4. Plaintiff Homeland Insurance Co. of New York ("Homeland") has pled that it provided Medical Facilities and Providers Professional Liability Insurance to Defendants since at least the June 30, 2014 to June 30, 2015 policy period. *See* Pl.'s Second Am. Compl. ¶ 40 [Dkt. 56].

5. Homeland has in fact provided Medical Facilities and Providers Professional Liability Insurance to Defendants since at least the June 30, 2013 to June 30, 2014 policy period (the “2013 Policy”). A true and correct partially redacted copy of the 2013 Policy, which has been produced via discovery at DEF-CPL\_0000062386, is attached hereto as Exhibit A-1.<sup>1</sup>

6. Based upon my review of the insurance policies issued to CPL by Homeland and the pleadings filed in this case, I can affirm that, starting with the issuance of the 2013 Policy on June 30, 2013, CPL’s coverage with Homeland was continuous and uninterrupted until the expiration of the 2017 Primary Policy on June 30, 2018.

7. Attached hereto as Exhibit A-2 is a true and correct copy of a letter sent by Mr. John Brooks, Outside Counsel for Homeland, to Mr. Mark Beaman, Outside Counsel for Defendants, dated July 10, 2020 and produced via discovery at DEF-CPL\_0000062463.

a. Exhibit A-2 is subject to Defendants’ Unopposed Motion to Seal and so only a slip sheet appears at Exhibit A-2.

8. Attached hereto as Exhibit A-3 is a true and correct copy of a letter sent by Mr. John Brooks, Outside Counsel for Homeland, to Mr. Mark Beaman, Outside Counsel for Defendants, dated May 26, 2020 and produced via discovery at DEF-CPL\_0000062454.

a. Exhibit A-3 is subject to Defendants’ Unopposed Motion to Seal and so only a slip sheet appears at Exhibit A-3.

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<sup>1</sup> Paragraph 12 of the Agreed Confidentiality, Protective, and Non-Waiver Order provides that, “[i]n the event a party wishes to use any Classified Information in . . . papers filed in this litigation, the party shall . . . file only a redacted copy of the information.” [Dkt. 40]. Homeland requested that Defendants “redact all mentions of premiums” and also “any other pricing or rating info[rmation]” from the 2013 Policy. Defendants have done so, and that is why Exhibit A-1 is partially redacted.

9. Attached hereto as Exhibit A-4 is a true and correct copy of a letter sent by Mr. John Brooks, Outside Counsel for Homeland, to Mr. Mark Beaman, Outside Counsel for Defendants, dated February 4, 2019 and produced via discovery at DEF-CPL\_0000062364.

- a. Exhibit A-4 is subject to Defendants' Unopposed Motion to Seal and so only a slip sheet appears at Exhibit A-4.

10. Attached hereto as Exhibit A-5 is a true and correct copy of a letter sent by Mr. John Brooks, Outside Counsel for Homeland, to Mr. Mark Beaman, Outside Counsel for Defendants, dated May 31, 2019 and produced via discovery at DEF-CPL\_0000062477.

- a. Exhibit A-5 is subject to Defendants' Unopposed Motion to Seal and so only a slip sheet appears at Exhibit A-5.

11. Attached hereto as Exhibit A-6 is a true and correct copy of a letter sent by Ms. M. Ringland, on behalf of Homeland, to Ms. S. Foster, SVP with SHUSA, dated October 14, 2019 and produced via discovery at DEF-CPL\_0000062441.

- a. Exhibit A-6 is subject to Defendants' Unopposed Motion to Seal and so only a slip sheet appears at Exhibit A-6.

12. Attached hereto as Exhibit A-7 is a true and correct copy of a letter sent by Mr. John Brooks, Outside Counsel for Homeland, to Mr. Mark Beaman, Outside Counsel for Defendants, dated November 11, 2019 and produced via discovery at DEF-CPL\_0000062448.

- a. Exhibit A-7 is subject to Defendants' Unopposed Motion to Seal and so only a slip sheet appears at Exhibit A-7.

13. Attached hereto as Exhibit A-8 is a true and correct copy of a letter sent by Mr. John Brooks, Outside Counsel for Homeland, to Mr. Mark Beaman, Outside Counsel for Defendants, dated September 19, 2018 and produced via discovery at DEF-CPL\_0000062371.

a. Exhibit A-8 is subject to Defendants' Unopposed Motion to Seal and so only a slip sheet appears at Exhibit A-8.

14. Attached hereto as Exhibit A-9 is a true and correct copy of Homeland's Response to CPL's First Set of Interrogatories, dated March 12, 2021.

15. I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 8, 2021 in Washington, D.C.

/s/ Greg Van Houten  
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Greg Van Houten

**CERTIFICATE OF SERVICE**

I hereby certify that, consistent with Local Court Rule CV-5, a true and correct copy of the foregoing was sent to all parties of record pursuant to the Electronic Filing Procedures and the Federal Rules of Civil Procedure on this 8th day of October 2021.

/s/ Ernest Martin  
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Ernest Martin